THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.12744 OF 1998

ORAL ORDER:

The petitioners seek a declaration that the action of the respondents in denying the pensionary benefits under A.P. Pension Rules, 1980, to the petitioners, who voluntarily retired from service, as arbitrary and illegal.

It is not in dispute that all the three petitioners herein, retired voluntary before 1.11.1992. The question, whether A.P. Revised Pension Rules, 1980 (for short "the Rules"), are applicable to the persons, who retired voluntarily before 1.11.1992, has been considered in detail by this Court in W.P.No.1635 of 1996 & batch, and by order dated 28.4.2005, the said writ petitions were allowed, holding as under:

> ".....the only objection taken by the respondents that since the petitioners have retired voluntarily, they are not entitled for extending the benefits under the A.P. Revised Pension Rules, 1980 is arbitrary and illegal. A.P. Revised Pension Rules, 1980 do contemplate voluntary retirement apart from retirement on attaining the age of superannuation. In this case, admittedly, the petitioners applied for voluntary retirement between 31-12-1988 and 8-1-1993. Once A.P. Revised Pension Rules, 1980 are made applicable *mutates mutandis* to the teachers/lecturers working in aided private colleges, their cases also need be considered even for extending the benefits under the A.P. Revised Pension Rules, 1980 even if they retired voluntarily. A.P. Revised Pension Rules, 1980 are applicable from the date of their inception i.e., from 29-10-1979 as held by this Court in W.P.No.2089 of 1990 and batch. There is no reason as to why the same ratio is not made applicable to the persons, who retired voluntarily, for the purpose of extension of the benefits under the A.P. Revised Pension Rules, 1980.
>
> For all the above reasons, the writ petitions are allowed and the respondents are directed to grant the benefits of A.P. Revised Pension Rules, 1980 to the petitioners and disburse the pensionary benefits to them as per the said Rules with effect from the respective dates of their retirement with all consequential benefits, within a period of three months from the date of receipt of a copy of this order. However, if the petitioners have gained any advantage even for a short period over and above what they are entitled under the A.P.

> Revised Pension Rules, 1980 while extending the A.P. Liberalized Pension Rules, 1961 in their cases earlier, the same is liable to be deducted while working out the benefits as stated above."

Since the petitioners herein, also stand on the same footing, this writ petition is disposed of in terms of the common order dated 28.4.2005 in W.P.No.1635 of 1996 and batch. No costs.

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(G. ROHINI, J.)

12th July, 2006.

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.12744 OF 1998

12th July, 2006.

Between:

Atluri Venkata Subba Rao and others. .. Petitioners.

And

The Government of Andhra Pradesh,
Represented by its Secretary,
Education department, Secretariat,
Hyderabad and another. ..Respondents.